

LEGISLATURE OF NEBRASKA  
ONE HUNDRED THIRD LEGISLATURE  
SECOND SESSION  
**LEGISLATIVE BILL 766**  
Final Reading

Introduced by Bloomfield, 17.

Read first time January 09, 2014

Committee: Government, Military and Veterans Affairs

A BILL

1 FOR AN ACT relating to the Nebraska National Guard; to amend sections  
2 85-505 and 85-505.01, Reissue Revised Statutes of  
3 Nebraska; to change tuition assistance program  
4 provisions; and to repeal the original sections.  
5 Be it enacted by the people of the State of Nebraska,

1           Section 1. Section 85-505, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3           85-505 Any member of the Nebraska National Guard who  
4 enrolls in any state-supported university, college, or community  
5 college or any independent, not-for-profit, regionally accredited  
6 college or university in this state shall be entitled to a credit of  
7 seventy-five percent of the resident tuition charges of such school,  
8 except that any member who attends an independent, not-for-profit,  
9 regionally accredited college or university in this state shall  
10 receive a credit in an amount no higher than that person would  
11 receive if he or she attended the University of Nebraska-Lincoln.  
12 Such entitlement shall be for a period of ten years from the date of  
13 the member's initial membership so long as the member maintains  
14 satisfactory performance with the guard and pursues his or her course  
15 of study in such institution in a manner which satisfies the normal  
16 requirements of the institution. If a member is unable to complete  
17 his or her course of study within the ten-year period due to  
18 deployment on federal or state active-duty status for not less than  
19 one hundred twenty days, the Adjutant General may extend the  
20 entitlement period for such member for a period equal to the period  
21 of such person's active-duty status, not to exceed a maximum of five  
22 years. During the extended entitlement period, the member shall  
23 ~~maintain satisfactory performance with the guard and pursue his or~~  
24 ~~her course of study in such institution which satisfies the usual~~  
25 ~~requirements of such institution. Any member entitled to a credit of~~

1 ~~seventy five percent of resident tuition charges and enrolled in the~~  
2 ~~tuition credit program as of October 1, 1992, shall on and after May~~  
3 ~~27, 1999, be entitled to the credit at such rate until completion of~~  
4 ~~the educational program in which he or she is enrolled on October 1,~~  
5 ~~1992, so long as the member maintains satisfactory performance with~~  
6 ~~the guard and pursues his or her course of study in such institution~~  
7 ~~in a manner which satisfies the normal requirements of the~~  
8 ~~institution. be subject to all remaining conditions and limitations~~  
9 ~~of the tuition assistance program prescribed in sections 85-505 to~~  
10 ~~85-508.~~ The number of individuals granted tuition credit shall not  
11 exceed the number specified in section 85-505.01 during any fiscal  
12 year, and the amount of tuition credits granted shall not exceed nine  
13 hundred thousand dollars during any fiscal year. When determining to  
14 whom such tuition credit shall be awarded, priority shall be given to  
15 those individuals who have previously received tuition credits while  
16 a National Guard member, and the Nebraska National Guard shall apply  
17 those program qualifications and limitations consistent with  
18 efficient and effective program management as determined by the  
19 Adjutant General.

20           Sec. 2. Section 85-505.01, Reissue Revised Statutes of  
21 Nebraska, is amended to read:

22           85-505.01 (1) The tuition assistance program prescribed  
23 in sections 85-505 to 85-508 shall not be available to:

24           (a) More than one thousand two hundred members during any  
25 fiscal year;

1                   (b) ~~Commissioned and warrant officers~~ Any member who have  
2 has a baccalaureate degree; and ~~or are eligible for any other~~  
3 ~~equivalent federal benefits;~~

4                   (c) ~~Enlisted personnel entitled to any equivalent federal~~  
5 ~~educational benefits, except that this subdivision shall not apply to~~  
6 ~~personnel receiving assistance from the federal Educational~~  
7 ~~Assistance Program for Members of the Selected Reserve, as it existed~~  
8 ~~on September 1, 2001; and~~ Any member who has not exhausted federal  
9 tuition assistance benefits available to him or her.

10                   (d) ~~Enlisted personnel who have a baccalaureate degree.~~

11                   (2) The tuition assistance program prescribed in sections  
12 85-505 to 85-508 shall be available to members of the Nebraska  
13 National Guard for a period of ten years, as provided in section  
14 85-505, from the date of initial membership.

15                   (3) Any member of the Nebraska National Guard receiving  
16 tuition assistance under sections 85-505 to 85-508 may obtain only  
17 one ~~undergraduate~~ baccalaureate degree under such tuition assistance  
18 program. Only credit-bearing courses which meet degree requirements  
19 shall be approved for tuition assistance. Members shall not receive  
20 tuition assistance for any noncredit courses.

21                   (4) If a member of the Nebraska National Guard  
22 voluntarily withdraws from a course for which he or she is receiving  
23 tuition assistance, the member shall be liable for all costs relating  
24 to such withdrawal, including, but not limited to, all of the costs  
25 billed by the educational institution to the Nebraska National Guard.

1 Reimbursement shall be in accordance with section 72-1601.

2           (5) Any member of the Nebraska National Guard who  
3 receives tuition assistance shall agree in writing to serve in the  
4 Nebraska National Guard for three years after the completion of the  
5 courses for which tuition assistance was given. Any member who  
6 receives tuition assistance may be asked to reimburse the State of  
7 Nebraska if any such member leaves the Nebraska National Guard during  
8 such three-year period. Reimbursement shall be in accordance with  
9 section 72-1601.

10           (6) The Military Department shall retain the  
11 responsibility and authority to establish any limitations and  
12 controls it deems necessary to ensure maximum fiscal efficiency and  
13 productivity of the tuition assistance program prescribed in sections  
14 85-505 to 85-508.

15           Sec. 3. Original sections 85-505 and 85-505.01, Reissue  
16 Revised Statutes of Nebraska, are repealed.